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NOTICE OF CLAIM OF DEPRIVATION(S) OF RIGHTS UNDER COLOR OF LAW:
IN THE UNITED STATES DISTRICT COURT OF THE STATE OF NEW HAMPSHIRE

Randall Collier,
Plaintiff,
v.
Judge James M. Carrol,
Judge Michael Garner,
N.H. J.C.C., et al,
Defendant(s)

22.-cv-00162-LM

CIVIL COMPLAINT:

Case Number: _____ **(to be filled in by Court Clerk)**

Jury Trial Demanded: Yes or No _____ **(Circle Yes or No)**

Regarding Case Number: 650-2013-DV-00016, and Case Number 650-2013-DM-10 IN THE STATE OF NEW HAMPSHIRE, 4TH CIRCUIT FAMILY COURT - COUNTY OF LACONIA, HILLARY CATHERINE MAY (Plaintiff), v. RANDALL COLLIER (Defendant);

Regarding also previous US District Case No: 1:22-cv-00162-LM, Collier v. Carroll, District Court, D. New Hampshire (Dismissed due to "Rooker-Feldman Doctrine", leading to this revised complaint, citing Behr v. Campbell, Exxon v. Saudi Industries, et al);

INTRODUCTION:

HERE COMES the Plaintiff(s), Randall Collier ('Pro Se' 'Representing' self), and any other relevant "Class Action" Members, and alleges the following Claims for Relief, seeking recovery of damages, and for injuries incurred as a proximate cause of the acts and omissions of Defendant(s) pursuant to Law as cited herein, arising from the conduct of the Defendants in their official and individual capacities, as described more particularly in this complaint:

PARTIES, JURISDICTION, AND VENUE:

1. Plaintiff is a Citizen of these United States of America and resides in the State of New Hampshire, in Cheshire County, Town of Surry;
2. Defendant(s) include Judge James M. Carrol, for presiding over Cases which issued "court order(s)" mentioned herein, for a 'domestic violence' 'protective order' and 'sole-decision making responsibility' for the mother only" on 2/3/2013 (not to challenge the final orders, due to "Rooker-Feldman", but for presiding over Unconstitutional procedures as described herein, and possibly other actions or inactions, to be determined);
3. Defendant(s) also include Judge Michael Garner, for presiding over said Case 650-2013-DV-00016.;

4. Defendant(s) may also include New Hampshire Judicial Conduct Committee for failing their duty to act properly in response to Three (3) Judicial Conduct Complaints in said N.H. Court Case(s): JC-14-0313-G, JC-17-057-G, JC-20-031-G;

5. Parties may also include Hillary May who did reside in Belknap County, City of Laconia, in the State of New Hampshire at the time of the previous court cases mentioned herein, but (for purposes of this suit, this Courts "Diversity Jurisdiction", and their liability, including violations of Federal Law as alleged herein) currently resides in the City of Cary, North Carolina;

RELEVANT FACTS, EVIDENCE:

6. NOW COMES Plaintiff(s) Randall Collier ('Pro Se' 'Representing' self). to move this court to clearly declare "fundamental principles" of "the supreme Law" and "common law" as they apply in cases like those described herein, and to declare clearly how they were violated in the cases mentioned herein, and to order compensation for this Plaintiff (Mr. Collier) due to the previous "unconstitutional" court processes, as described herein, in N.H. Case: 2013-DV-00016, 4th Circuit Court, District Division, Laconia, New Hampshire, "In the Matter of Hillary May and Randall S. Collier", resulting in a "Protective Order", which was based upon allegations of "domestic violence", "abuse", "harassment"[111] and/or "threatening"[115], but without "due process of law"[5] such as "probable cause"[3] and "criminal prosecution"[1,3,4], because such orders are clearly "to the Contrary"[6] of "fundamental principles"[Az.Const,133] of "the common law"[US.Const.Amend.7] and "the supreme Law of the Land"[US.Const.Art.6] as explained herein[1], and clearly not in the Child's (T.C.s) best interests (which is supposed to be the primary purpose of this court), as explained herein for the following reason(s). Also to move this court to provide other appropriate remedy for damages or harm caused as a result of previous unconstitutional Court Orders (as outlined herein);

7. As stated in a previous Motion to Dismiss this Court Case indicated herein (N.H. Case: 2013-DV-00016), there were "Eight (8) reasons why previous court order(s) for a "domestic violence" "protective order" and "sole decision-making responsibility" for the mother only, are not Constitutional". Therefore said "orders" are not valid or "Lawful" for this Court or other "Public Servants" in these United States of America to "make or enforce" [US.Const.Amend.14], and herein we add more reasons and re-order them to make the now (12) Twelve Reasons more clear;

8. For these reasons this court may be liable for causing and/or any failure to stop ("neglect to prevent") such "deprivation(s) of rights under color of law"[6] as described herein, unless this Judge can explain on the public record why these alleged reasons are incorrect, why said previous court orders are not "unconstitutional" and thus "unlawful" as alleged herein. Therefore by neither stopping the allegedly and clearly unlawful previous court orders, nor explaining why the allegations of being unconstitutional are incorrect, then this judge could become complicit and liable in the same unlawful acts (and possibly other civil and/or criminal charges, etc.), because:

9. The primary "duty" of any "Judge" or "Public Servant" in these United States of America is to "establish Justice... and secure the Blessings of Liberty to ourselves and our Posterity" (See Preamble, US.Const), which is essentially the only real purpose of "Government" and "Law" (See N.H. Const.Art.1,Sec.3), "and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution" and only "Laws... made in Pursuance thereof" above all, (US.Const.Art.6), and to "bear faith and true allegiance to the United States of America and the State of New Hampshire, and [to]

support the Constitution thereof." (N.H.Const.2nd Part,Art.84.

-<https://www.nh.gov/glance/oaths.htm>) ; (See attached "SOURCES OF AUTHORITY...");

10. Therefore protecting equal Human Liberty to Pursue Happiness is the only real Purpose of Government and Law[1] (US & State Constitutions & Declaration of Independence), and these "rights"[2] include owning property and land, free travel, fair exchanges, common practices (See US.Supr.Ct. 'Precedents' on each subject in attached "SOURCES OF AUTHORITY"), "Liberty" in general ("Life, Liberty and the pursuit of Happiness" -Decl.of.Ind.), and privacy from all "searches and seizures"[3] unless there is "probable cause, supported by Oath or affirmation" (US.Const.Amend.4), to accuse the "Defendant" of an actual "crime"[4] against the equal individual rights of another Human being, by "intent or inexcusable neglect"[4] (US.Supr.Ct.), and in violation of valid Criminal "Law of the Land" (US.Const.Art.6. & Amend.4,6,14 & US.Supr.Ct. See attached "SOURCES OF AUTHORITY" on 3 "elements" to a "crime"[4]);

11. Therefore to "make or enforce" (US.Const.Amend.14) "anything... to the Contrary" (US.Const.Art.6) is a "deprivation of rights under color of law"[6] which is an actual federal "crime" (See USC 18-241 & 242) and a civil liability to even "neglect to prevent" (see USC 42-1986, & 1983 to 1988) once one "reasonably should know" (US.Supr.Ct. On "probable cause")[3], in violation of the oath and contract to defend "the supreme Law of the Land"(US.Const.Art.6) "against all enemies, foreign and domestic" (Oath for Army and many other Public Servants in US and 50 States), including "taxes" on owning land and payment for labor[14], and "licenses" for any "common practice"[13] like law and medicine as well as to travel on public roads[11] (not including to "drive" "people or property for hire" when it legitimately requires a "CDL" -in order to protect the 'rights' of 'We the People' who pay for and own them), and basically all harmless civil and criminal "offenses"[4], and especially any violations of "due process of law"[5] as explained herein (See attached "SOURCES OF AUTHORITY" for each of these points).;

12. SEE "TIMELINE OF EVENTS" AT END OF THIS DOCUMENT:

...
12/13/2012. Here is where Plaintiff (Mr. Collier) left home (and his Son):

...
[ALSO SEE:] ...TIMELINE FOR "Judicial Complaints" (x3) mentioned herein: ... ;

13. **Judicial Complaints mentioned herein (x3) were dismissed with no action taken** to correct conduct of judges complained of. (See "TIMELINE" herein below, x3 Complaints: JC-14-0313-G, JC-17-057-G, & JC-20-031-G) ;

14. **The Stated Purpose of this "New Hampshire Judicial Branch" Court is:** "Our Mission: To preserve the rule of law and protect the rights and liberties guaranteed by the United States and New Hampshire Constitutions, the courts will provide accessible, prompt, and efficient forums for the fair and independent administration of justice, with respect for the dignity of all we serve." <https://www.courts.nh.gov/> ; (See below, statement by Mr. Carroll, Garner ('Judge') of how Rules of Evidence don't apply in these "Family Court" proceedings, in TIMELINE below after 3/28/2023, seems clearly "to the Contrary" of this "Mission"!);

15. N.H. Constitution violations. Article 15. "Right of Accused"
(www.nh.gov/glance/bill-of-rights.htm), in 6 of 8 "Rights of Accused" listed herein:

(1) "No subject shall be held to answer for any crime, or offense, until the same is fully and plainly, substantially and formally, described to him; " This Plaintiff (Mr. Collier) was never actually held to answer for any actual "crime" by any Criminal Prosecution (In Criminal Court),

even though he was accused of criminal "offenses" by this non-criminal "Family Court", they were never even reported to a proper criminal court as it should have if there was actual "probable cause"/evidence but there was not;

...

(3) "Every subject shall have a right to produce all proofs that may be favorable to himself"; "Discovery" of evidence "favorable to himself" was not permitted or provided in this case on at least two occasions (denials of motions for discovery of evidence), and motions to "show cause" were denied at least twice: A Motion for video surveillance that I threatened anyone was denied 7/22/13, a Motion for Discovery of video surveillance recordings from our court hearing where I received criminal threatening charges 2/26/14, a Motion for Show Cause denied 2/16/2022, and a Motion for Reconsideration of Denied Show Cause was denied 3/31/22;

...

(4) The Right "to meet the witnesses against him face to face" was also denied in this case;

...

(5) "and to be fully heard in his defense, by himself, and counsel." This Plaintiff (Mr. Collier) was also not "fully heard" in our case here;

...

(6) "No subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land;" This Plaintiff (Collier) was "deprived of his ...liberty" without "the judgment of his peers" (in maybe more than one way, including an arrest warrant issued in N.C. for not paying legal fees, violating "debtors prison" prohibitions, as well as a previous arrest warrant in N.H. for not paying legal fees which was paid to remove it), as there was no "public trial, by an impartial jury of the State", and Judge Garner on 3/28/2023 even testified that is because rules of evidence do not apply in these "Family Courts", which is just another "deprivation of rights under color of law";

...

(8) "Every person held to answer in any crime or offense punishable by deprivation of liberty shall have the right to counsel at the expense of the state if need is shown; this right he is at liberty to waive, but only after the matter has been thoroughly explained by the court."

... {Unfortunately "public defenders" pretty much work for the system they are educated and paid by, so in most any case people can make the same argument if they have to rely on "court appointed counsel", instead of YOU being the one telling THE COURT what "the supreme Law of the Land" requires THEM to do};

16. Michael Garner's testimony to the legislators on 3/28/23 (See TIMELINE for link/URL), about not applying the Rules of Evidence in DV (Domestic Violence) or Family Cases due to no trial by jury in these N.H. "Family Courts", violates the Rule of law, Rule of Evidence, Independent Judiciary (below), and NH Courts "Mission statement" (above) to follow both NH and US Constitutions;

17. ALSO NOTE, American Bar Association Definitions: Rule of Law: "is a set of principles or ideals, for ensuring an orderly and just society. Many Countries throughout the world, strive to uphold the Rule of Law where no one is above the Law. Everyone is treated equally under the law. Everyone is held accountable to the same laws, there are clear and fair processes for enforcing laws, there is an Independent Judiciary, and human rights are guaranteed for all."
https://www.americanbar.org/groups/public_education/resources/rule-of-law/ ;

18. Independent Judiciary, "An independent judiciary is necessary to ensure the Rule of Law is respected. Judicial independence means judges are not subject to pressure and influence and are free to make impartial decisions based solely on fact and law. An independent judge can

assure your case is decided according to the law and the facts, and not a shifting political climate."

https://www.americanbar.org/groups/public_education/resources/independent-judiciary-resources/;

GENERAL CLAIMS. ETC.:

19. Plaintiff makes the following claims. HERE ARE NOW Twelve (12) reasons why previous court procedures were/are not Constitutional, and are violations of due process of law, and this Plaintiff's equal individual Human rights (also leading to an invalid "domestic violence" "protective order" and "parenting plan" and "sole decision-making responsibility" for the mother only in this case):

20. CLAIM (1): In 2013 initiating Court Procedures against this Plaintiff's will (Mr. Collier), and in a non-criminal court ("Family Court"), and/or enforcing an unconstitutional "Domestic Violence" "Protective Order"[104] (and issuing it, however barred by "Rooker-Feldman Doctrine" for this court to reconsider/appeal), without "probable"[3] evidence of any actual threat of "abuse", "threatening" or "harassment" as required by the "Law of the Land", despite the specific requirements in the relevant New Hampshire State law: Title XII, Chapter 173-B, "Protection of Persons from Domestic Violence" (see 173-B:1 Definitions)[105], therefore that is a "Deprivation of rights under color of law"[102], a "color of law abuse"[122], Wrongful Conviction/Prosecution[103], "Miscarriage of Justice[103]", and perhaps more charges, due to these violation(s) of "due process of law"[5], such as "probable cause"[3] as required for all "searches and seizures" and "criminal prosecutions" under "the supreme Law of the Land"[1], especially Amendments 4-7 and 14, and U.S. Supreme Court "Precedents" on Three (3) "elements" to a "crime"[4] (aka "Corpus Delicti doctrine". Also know "Actus Reus", "Mens Rea");

21. And these two "meeting the elements of ("harassment", "threatening") even if they were lawful and prosecuted criminally, still do not relate directly to any harm or threat of any kind to the Child directly, and the "best interest of the Child" are supposed to be the only "lawful" reasons for this entire "Family Court" case. Therefore there never was any "probable cause" to show any threat to the Child's "best interests" making all Orders based upon said allegations "unconstitutional" and thus "unlawful" to "make or enforce" or even "neglect to prevent".

22. See attached Reference [128], where in this New Jersey Supreme Court case decided September 27, 2021, they clearly explain how these "Family Courts" cannot lawfully shift the "burden of proof" to a parent to prove they did not commit the "offense" (such as "abuse" in this case) in order to justify infringing the rights of that parent over their child.;

23. As stated in a Motion prepared in 2015 by "BIANCO PROFESSIONAL ASSOCIATION - ATTORNEYS AT LAW", "18 CENTRE STREET - CONCORD, NEW HAMPSHIRE 03301 - 602-225-7170", on "Page 3 of 5": "Ultimately, mere supposition should not be used to deprive a parent of his or her constitutionally protected parental rights-and in fact a conclusion that contains or consists of suppositions or speculation is indicative of the fact that the necessary burden of proof has not been sustained.";

24. CLAIM (2): Deprivations of rights to "due process of law"[5] noting Mr. Collier meeting the elements for "Criminal Threatening"[115] just for an attempted 'stare down' (In return) at the

opposing Parties Counsel ("Petitioner's counsel was at the podium and the Respondent stood within inches"-Judge James M. Carroll Order on 2.4.2013) in open court[116], without "probable"[3] evidence of any actual "threat"[4] of "imminent bodily injury or physical contact"[115] as required by "the supreme Law of the Land" ("probable cause", 4th Amend., "common law")[1] and the relevant N.H. State Law RSA 631:4.[115]. " We were both at our tables, and as the court noted neither party was looking at Ms. May". Randall S. Collier;

25. CLAIM (3): Deprivations of rights to "due process of law"[5] for the judge denying access to video surveillance tapes from the court regarding meeting the elements of "criminal threatening"[117], for 2 years in a row (denying motions for "discovery" of evidence to defend against charges of "criminal threatening". Videos which are likely deleted since shortly after the incident according to a court clerk[118]). "The essential elements of due process are notice and opportunity to defend" ones self. US.Supreme Ct., Simon v. Craft, 182 U.S. 427 (1901), <https://supreme.justia.com/cases/federal/us/118/425/> ;

26. CLAIM (4): For violating this Plaintiffs Parental Right to communicate with his child by declaring attempts "harassment", by finding this Plaintiff (Randall Collier) guilty of 'harassment' contrary to evidence, such as the Judges own findings on 1/27/2013, and on 2/4/13 after petitioner (Hillary May) testified about "respondent [Randall Collier] texting her with intent to intimidate, to control, and to interfere with the Petitioner's ability to maintain her responsibilities of teaching"[101], in a hearing dated 1/24/13, when in an order on 1/27/13 the judge noted in the order after hearing on emergency relief on page 3 that: "in conjunction with the DVP she submitted at the same time in this hearing she attached a series of text messages between Mr. Collier and Ms. May. The text messages reflect relationship issues. They continued to communicate with each other in generally healthy ways with some success. Despite the rambling nature of the text messages, there are no concrete threats from Mr. Collier towards Ms. May or towards T.C.. The text messages appear to increase in frequency and animosity as his frustration mounts from being out of the residence and not seeing T.C.." [110, order on 1/27/13], which this court noted on record were for the purpose of communicating with his Son making this a violation of that Parental right [see the file: "2022 1237 corrections.pdf" about the 2/4/13 hearing, one paragraph long, below"]. "Harassment" according to RSA 644:4 requires that a person: "... (a) Makes a telephone call, whether or not a conversation ensues, with no legitimate communicative purpose or without disclosing his or her identity and with a purpose to annoy, abuse, threaten, or alarm another; or (b) Makes repeated communications at extremely inconvenient hours or in offensively coarse language with a purpose to annoy or alarm another; or (c) Insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response; ...". Furthermore at the time of this incident (and until 2015 or 2016) this Threatening law (RSA 644:4) stated "A person is guilty of a misdemeanor [Harassment].. if such person... (f) With the purpose to annoy or alarm another, having been previously notified that the recipient does not desire further communication, communicates with such person, when the communication is not for a lawful purpose or constitutionally protected." And clearly this court's previous orders and existing laws make this clearly a violation of the parental right for (me)Mr. Collier to have supervised visitation as to "ensure that T.C. does not lose memory of his good relationship with his father" (as stated by the Court on 4.4.2013, "Order on Pending Motions", Judge James M. Carroll, NH.4th.Cir.Ct.Laconia, Belknap County);

27. And this allegation was used to justify depriving me (Plaintiff) of time with my son, via a "Protective Order" (issued 1/24/13), based upon above mentioned accusation of "harassment"[111], without any actual "probable"[32] evidence or proper "criminal prosecution"[1] in Criminal Court of any actual "crime"[4], such as "abuse" as required by N.H. Law for "protective orders"[105] such as this. The Judge said communication increased with

frequency and animosity about not seeing his son, then found Mr. Collier for "harassment" (see below);

28. Further depriving this Plaintiff of time with my son, (Re: *2/4/13 FINAL Order, after 1.24.13 TEMP order). A Domestic Violence Temporary Order was granted on 1/24/13. Respondent (Mr. Collier) was served with no contact letter from her (Hillary May's) attorney, and the respondent nearly immediately failed to abide by the mutual agreement. The Petitioner (Ms May) testified that the respondent (Mr Collier) was texting her with intent to intimidate control and interfere with her abilities of teaching. The 2/4/2013 Order States: "The Court finds that the Respondent's ongoing pattern of behavior reasonably has caused the Petitioner to fear for her safety and her wellbeing as well as the child's and creates a present credible threat to the Petitioner's safety. The Respondent's acts satisfies the elements of Harassment as defined by RSA 644:4 and Criminal Threatening as defined in RSA 631:4.", "Date: February 4, 2013", signed by "Judge James Carroll".;

29. **CLAIM (5):** For accepting the opinions and claims of the mother and her family over that of the father in a biased/prejudiced way towards the Mother and against the Father[106]. As the court noted Ms. May's testimony is supported only by her family's letters, thus only by opinions. Therefore these are deprivations of rights to "due process of law"[5], for acting "to the Contrary" of these "fundamental principles"[133] of "due process of law"[5]. For example claims by Ms. May that Mr. Collier brought a gun into her home without telling her[107] when there is no evidence of this and the officer who escorted him out reported no weapons in the home[108], casting doubt upon her testimony and allegations.;

30. **CLAIM (6):** Deprivations of equal rights to "due process of law"[1,5] by accepting the opinions and claims of the mother and her family, such as letters from Mrs. May's family, as "evidence" without allowing the Father the ability to "Cross Examine" the "Witness(s)"[112], clearly acting "to the Contrary" of these "fundamental principles"[133] of "due process of law"[5] which require equal ability to "Cross Examine" Witnesses[113];

31. **Claim (7):** Deprivation of rights on 2/25/14. The court extended protective order one year because "Under the unique circumstances of this case, in which the plaintiff reasonably hired counsel partly to act as an intermediary to communicate with defendant, reflects that defendant respected neither the plaintiffs expectation of privacy nor the courts order prohibiting direct contact, and therefore it constitutes good cause to extend the Protective Order which I hereby extended to February 2, 2015;

32. **CLAIM (8):** Court Order on 2/27/2015, extending Protective Order 5 years, said: "The Respondents noted contact with the petitioner, notwithstanding her directly expressed desire for no contact and her directive that all communication should be to her representative counsel solely, underscores the Petitioner's position that the Respondent's actions of not responding to the Court's ordered mental health counseling, his disrespectful observance of the Petitioner's desires of sole contact be through her counsel, his obsessive use of postings which are troublesome, and his affinity to firearms especially in a relationship as exemplified by the December 18, 2014 posting of 'every missed bullet, gives much more than conjecture for the Court to base a five year extension of the Protective Order. Specifically, the Court finds these factors evidence a reasonable basis for the court to conclude that such conduct is good cause for further extension for five years (5) as the conduct constitutes a credible present threat to the Petitioner's safety and well-being.". By: "Judge James M. Carroll".

Lets review: No text messages were ever submitted to support harassment findings. The court noted I wasn't looking at Ms. May, when I met the elements for Criminal threatening. Ms. May is a victim or injured party, from 2 different people viewing each other. I was denied access twice to video evidence of said incident. Counseling was recommended because of no direct contact with my son in over 77 days. The shared sitcom photo was not directed to or at Ms. May in any way to be a threat, but was a joke;(as intended on tv).

Deprivations of rights to "due process of law"[5] by using shared TV sitcom posts on Facebook as "evidence" to perpetuate this clearly unlawful "Protective Order"[114], acting "to the Contrary"[1] of these "fundamental principles"[133] of "due process of law"[5] in the N.H. State Law (i.e. 173B)[105] and "the supreme Law of the Land" (i.e. Amend.4,5,6,14,etc.)[1] which requires "probable" evidence[3] of "abuse"[105] (which must be an actual "crime" according to these "fundamental principles") for any such "searches or seizures" or "criminal prosecutions"[1] or to in any other way "infringe"[1] ones basic "rights" to "Life, Liberty, and the Pursuit of Happiness"[1]. ; Also this N.H. State law is from "TITLE XII: PUBLIC SAFETY AND WELFARE" which "Includes Chapters 153 - 174", not the "Criminal Code" here: "TITLE LXII: CRIMINAL CODE" which "Includes Chapters 625 – 651-F", therefore making this a "colorable law" "to the Contrary" of "the supreme Law".

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LXII.htm>;

33. Regarding unconstitutional "standards of evidence" used in this case, the N.H. Law for "protective orders" requires "a showing of abuse of the plaintiff by a preponderance of the evidence", which by definition means "there is a greater than 50% chance that the claim is true." [www.law.cornell.edu/wex/preponderance_of_the_evidence], which is obviously the same "standard of evidence" as "probable cause" which "the supreme Law of the Land" (Amend.4 and U.S.Supr.Ct. "Precedents") requires for ALL "searches and seizures" and "In all criminal prosecutions"[1][US.Const.Amend.4&6], and because this State law requires evidence of "abuse", in other words an actual "crime", therefore the requirements for issuing one of these "protective orders" under this N.H. State law must inherently be the same requirements for "criminal prosecutions" called "probable cause", and furthermore if there is enough evidence of an actual "crime" and this court does not prosecute it than this court commits an actual "crime" such as "misprision" or "obstruction" or "miscarriage of justice", possibly even "treason to the Constitution", just like the US Supreme Court has stated in the past:

34. "It is most true that this Court will not take jurisdiction if it should not; but it is equally true that it must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the Constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given than to usurp that which is not given. The one or the other would be treason to the Constitution. ..." [Cohens v. Virginia[127], 19 U.S. 264 (1821), <https://supreme.justia.com/cases/federal/us/19/264/>];

35. **CLAIM (9):** The judge intersecting law with medicine (exceeding a Judges "Authority" where a professional "Psychiatric" Evaluation is defined as expert testimony) [121]. On 8/24/2017, "Mr. Collier submitted a psychiatric evaluation (dated 6/20/2017) which, based on his self report, finds no current need for treatment. It doesn't appear details of the case were discussed with the evaluator, thus, Mr. Collier's presentation is self authenticating and is no substitute for an objective review of what has actually occurred during the case. The psychiatrist also agreed with a previous diagnosis of an unspecified adjustment disorder, apparently mostly related to the litigation and anxiety about Mr. Collier's relationship with his son".

Review: The 2017 Comprehensive Psychiatric Evaluation indicates "testing within normal limits, no recommended treatment, no concerns from a psychiatric perspective". The court noted the evaluation revealed I was worried about how this legal case will affect the father son relationship. After the highest level mental fitness test was concluded, there were no concerns noted. See also the original court ordered psychological evaluation 3/15/2013 "I do not believe Mr. Collier is a danger to himself or others, understands right from wrong, and appears oriented to reality". After 2 months of counseling specific to alcohol and drugs on 5/5/2013 said "Mr. Collier has some narcissistic personality traits which would not interfere with his ability to interact with his son. Counseling recommended because it has been over 77 days since seeing his son". See Order 2/10/2017 page 2: "He restated his claims that the Court has misunderstood or misused the conclusions from the mental health evaluations submitted previously in the case". What other conclusions could possibly be drawn from: not a danger to self or others, appears oriented to reality, and knows right from wrong, after findings of "no threats or violence" and medical records contradicted all of the allegations brought forth. It was never written in an order that I was found to be an unfit parent. The court ignored the highest level mental health fitness test. The court kept their hypothetical orders for supervised visits such as "in case something happens". The court kept their order for mental health counseling after "no concerns" and "no recommended treatment".

36. (a) This is an infringement of rights to privacy without "due process" of "probable cause" and "criminal prosecution", which is required for all "searches and seizures" such as this;

37. (b) This is an opinion of a judge being used to justify this unlawful supervised visit restriction which seems clearly "inexcusable neglect" of the primary "duty" of any "Judge" to actually "establish Justice" when there is evidence of "Unconstitutional" acts such as these alleged herein. This response constitutes a failure to fulfill this Judges primary Contractual and Constitutional Obligation(s) to insure there are not violations of "the supreme Law of the Land" once alleged as in this case;

38. (c) Maintaining his "memory of his good relationship with his father" also is not sufficient "evidence" for "probable cause" to justify any such "searches and [or] seizures" such as this infringement of Mr. Colliers equal Parenting Rights over his biological son (T.C.). ("In this context, it is even more important that Mr. Collier begin to have supervised visits with T.C., for at least three reasons: 1) it will ensure that T.C. does not lose memory of his good relationship with his father" -Judge Carroll, Garner, Order on Pending Motions, 4.4.2013);

39. *=Note the legal definitions of comprehensive and self reporting are not the same, thus proving biased findings. If the original orders were 'speculative' in nature only (quoting Judge James M. Carroll, Court Order on 2.24.2013), then both professional medical evaluations in 2013 and 2017 superseded speculations (like that of this Judge). This Judge noted in 2013 Mr. Collier was confused about who caused the breakup, and here we would just add a judge shall not have medical findings without a medical license, and confusion was not found in my court ordered evaluation. Ten (10) years ago the number one reason for supervised visits was "so T.C. doesn't lose memory of his good relationship with his father", other reasons for supervised visits were: "his sincere misguided belief his rights are being violated, the court concluded visitation should continue to be supervised, for positive reinforcement progress can be made if all parties acknowledge and cooperate to solve the issues, manage his emotions, for T.C.'s comfort, in case something might happen, to give court insight about father son relationship".

40. CLAIM (10): Denial of Due Process of law, "essential elements of due process of law...notice and opportunity to defend"[5], by denying an initial "Motion to Show Cause" (denied 2/6/2022) and a following "Motion to Reconsider" (denied 3/31/22) which insisted that the previous court actions violated "due process of law", such as "probable cause" and "Purpose of government" and three "elements" to a "crime", but without the Judge explaining how or why the allegedly unconstitutional previous court orders are not unconstitutional as alleged;

41. CLAIM (11): Court orders are not in "the best interests of the child". New Hampshire State law says: "461-A:11 Modification of Parental Rights and Responsibilities. – 1. The court may issue an order modifying a permanent order concerning parental rights and responsibilities under any of the following circumstances: ..."

42. "(b) If the court finds repeated, intentional, and unwarranted interference by a parent with the residential responsibilities of the other parent, the court may order a change in the parental rights and responsibilities without the necessity of showing harm to the child, if the court determines that such change would be in accordance with the best interests of the child."

43. "(c) If the court finds by clear and convincing evidence that the child's present environment is detrimental to the child's physical, mental, or emotional health, and the advantage to the child of modifying the order outweighs the harm likely to be caused by a change in environment. ..." - <https://law.justia.com/codes/new-hampshire/2020/title-xliii/title-461-a/section-461-a-11/>

44. Now obviously not having equal parenting time with both parents is not in "the best interests of the child". And the child's Mother (Hillary May) in this case seems to be doing all she can to obstruct the Fathers ability to spend time with his Son, which seems clearly not in "the best interests of the child", from denying time with T.C. (before any court order allowing such, directly violating Mr. Collier's parental rights), to denying skype twice (against her own plan), as well as returning gifts multiple years in a row, and trying to prevent Mr. Collier's family from speaking to T.C. about his dad (but it wasn't in bad faith the court said.);

45. For these reasons it is clear that any Public Servants ('Judges' etc.) who even "neglect to prevent" such a "deprivation of rights under color of law" as these previous court actions or orders described above, are also personally liable under "the supreme Law of the Land", under federal civil and criminal laws starting with the "Constitution for the United States of America" and US Supreme Court "Precedents", and US Codes like USC 18-241 & 242 and 42-1983 & 1986 for examples;

46. Therefore it is required by "the supreme Law of the Land" that this court (a) clearly declare on public record how "fundamental principles" of "the supreme Law" and "common law" should be applied in cases like those described herein, and (b) for this Plaintiff (Mr. Collier) to be awarded equitable compensation for violations of his rights (similar to in Hogan v. Cherokee County case);

47. Said previous court orders should then be "Modified" by the proper court(s) so any Judge(s) therein do/does not likewise become liable for continuing this "pattern or practice" of "deprivation of rights under color of law" and possibly even "treason to the Constitution" (Quoting US.Supr.Ct. Cohens v. Virginia[127]; See USC 2381. Charges this Judge could likewise possibly face as well if failing their duty here in this case). "Rooker-Feldman, we emphasized, does not block claims that "require some reconsideration of a decision of a state court" if the plaintiff presents "some independent claim, albeit one that denies a legal conclusion

that a state court has reached in a case to which he was a party." Id. (quoting Exxon Mobil, 544 U.S. at 293).";

48. CLAIM (12): NH Judicial Conduct Committee is apparently composed of the same Judges that comprise the NH Supreme Court, therefore when Complaints submitted (by this Plaintiff) against them were denied, it seems clearly due to a "conflict of interest" as the cause. The NH Supreme Court Judges make the rules for all the NH Courts and are their own "Conduct Committee" thereby failing to provide an effective "system of checks and balances";

TIMELINE OF EVENTS:

Three (3) Laconia, NH Police reports were generated/created prior to the Domestic Violence Petition.

11/18/12, "there was a verbal disagreement about his civil right to have a gun for protection as his constitutional right". May stated "there was no physical contact between them and I did not observe any evidence of assault."

11/23/12, "Ms. May reiterated the information I received from Mr. Collier earlier". Police did not view Collier as a threat, just 2 people with different views, Ms. May confirmed "no threat or harm in any way" .; Ms. May was fearful Mr. Collier went to Keene to get his gun and bring it home". May told Mr. Collier, "she does not want weapons in the home".

12/02/12, I called Mrs. May to inquire if she had been able to resolve any of her concerns. May stated Collier agreed to see a counselor and they are taking it one step at a time. "There will be no further police assistance with this request, an emergency order of protection was not required and the situation is in process of being resolved";

12/13/12, Collier served at the residence. I read him the order and he stated he understood. Collier said he did not own any weapons and I checked the home with negative contact and Collier left on foot;

12/13/12, Here is where Plaintiff (Mr. Collier) I was escorted off the property starting the no direct contact with my son.:

12/13/12, 5 page Domestic Violence Petition, based upon allegations of "harassment", "abuse", "threatening", without "probable cause", or any actual "criminal prosecution"; 11 days after the police noted "an Emergency Order of protection was not required", the allegations from Ms. May in her 5 page DVP was "while I was in the courthouse, I learned a neighbor saw Mr. Collier secretly bring a weapon/ gun into the house without telling me". "Mr. Collier is disassociated with reality, paranoid, erratic, inconsistent, volatile, unstable, hurt our son's development, obsessed with the truth, and guns. It started at the election and has truly escalated since thanksgiving".

12/13/12, Officer Benjamin C. Black escorted Randall from residence with "negative contact" (no firearms or weapons found), despite her (Hillary May's) fear there was a gun in her house, none was found when police escorted Randall from residence.;

12/18/12, Ms. May reassured the court she wasn't threatened or intimidated to withdraw the Domestic Violence Petition, and a no contact letter served by Ms. May requested Mr. Collier has

no further contact with her or T.C. and she is in the process of filing a parental agreement. This is despite the (shared child and equal parental responsibilities);

1/24/13, Stalking / Parenting Petition and DV Temporary 'Protective Order';

1/27/13, after Jan 24 hearing, 'order after hearing on request for emergency relief', page 2: The statements from third parties submitted by Mr. Collier reflect "that this was a happy family and that Mr. Collier and Trey were very close and that Mr. Collier appeared to take good care of T.C.".

1/27/13, Order page 4: Mr. Collier's statements and behaviors reflecting these growing beliefs are worrisome and scary to Ms. May, who now doubts his capacity to provide a safe and nurturing environment for Trey, not because he lacks the skills, but because he is distracted and scattered by these external worries."

Review: let the record reflect Ms. May advises the court through a Domestic Violence Petition she is worried that I am distracted, not that there was an injured party.

2/4/13 Domestic Violence Final Order of Protective; effective 2/4/13 to 2/03/14

"The petitioner testified that the Respondent has become disassociated with reality. The petitioner fears Mr.Collier will use physical force to train T.C as he gets older, like dog training. The Petitioner submitted a physician's wellness examination of T.C. which shows the boy is doing fine.

3/15/2013 Completed a Family Court ordered Psychological evaluation. The findings included "Mr. Collier knows right from wrong, appears oriented to reality, not a danger to self or others, counseling recommended specific to alcohol and drugs.

5/05/2013 letter from Daron Friedman, MA, LCMHC, MLADC " Since Mr.Collier completed his evaluation (03/15/2013) he has been actively participating in counseling. Mr. Collier is facing a number of very difficult issues, some related to the deterioration of his relationship, recent difficulties related to employment, a new living situation, and the loss of his son (no contact in over 77 days). Given the information available to me at this time I would recommend Mr. Collier attend counseling. The frequency and duration of treatment would need to be explored over time".

8/30/13, Narrative on Parenting Decree case number 650 2013 DM 10 page 6 " Taken along with the need for continued counseling reflected in Mr. Collier's own psychological evaluation, these factors suggest Mr. Collier's parenting time should continue to be supervised until there is evidence he can manage his emotions, understand other people's positions, and adequately provide a safe and healthy environment for his son. Ms. May's Parenting plan is somewhat complex, but it has the virtue of transparent detail, and it is probably more detailed than the plan the court might impose, and this is a positive, because Mr. Collier will be able to understand exactly what is expected of him, and with patience he may well be able to progress according to the plan". Ms. May is awarded sole decision making responsibilities of Trey because of the Domestic Violence protective order, which effectively prevents the parties from communicating with each other, and because the court doubts Mr. Collier's present capacity to communicate with Ms. May in a civil and healthy way, given his pleadings to date".

Review: The recommendations for counseling do not fit Ms. May's allegations, nor were they needed as the court referenced. See Claim 4: communication before court involvement was healthy and successful. Ms. May wasn't threatened or intimidated to withdraw the petition, no

threats or violence were noted in Ms. May's submitted text messages or her 5 page Domestic Violence Petition. Medical records contradicted the allegations of paranoia, erratic, unstable, and hurting child's development. No phone records to support harassment, and looking at someone that isn't Ms. May causes Ms. May fear. "Ms. May's parenting plan is "somewhat complex but has transparent detail and more complex than what the court might impose and this is a good thing...etc". The counselor recommended counseling because I haven't seen my son in over 77 days, not the allegations, but because of the allegations.

2/25/14 Ms. May testifies the defendant's failure to comply with the court orders that he not file duplicative or frivolous motions as evidence that he is unable to comply with orders and concludes from that he presents a continuing danger to her, the court does not agree that his relentless filings reflect an intent to inflict fear on the Plaintiff, rather they reflect his determination to change court order by repetition of same allegations" The court extended protective order one year because " Under the unique circumstances of this case, in which the plaintiff reasonably hired counsel partly to act as an intermediary to communicate with defendant, reflects that defendant respected neither the plaintiff's expectation of privacy nor the court's order prohibiting direct contact, and therefore it constitutes good cause to extend the Protective Order which I hereby extended to February 2, 2015.

Review: Defending oneself by writing words on paper creates fear in the person making the allegations. See order 2/4/13 Ms. May was in fear of me looking at someone that was not Ms. May. The court noted the Plaintiff hired counsel to communicate with the defendant.

2/27/2015, "The court and our Constitutions' guarantees of Due Process for each litigant are preserved for the parties to exercise their rights to be heard regardless of forum or venue. The petitioner has found the Respondent to be irrational with his representations on social media. Counsel argues that the change of address, resulting in his residency, a community in close proximity to the petitioner's community created further apprehension on the part of the petitioner, the petitioner did not cite such apprehension". The court noted that the Protective Order extension request is in no way intended to prohibit the Respondent from contacting his son. The court has detailed a process of contact between the respondent and his son. The court has ordered the Respondent to initiate contact with his son in a supervised setting. Respondent's actions of not responding to the court orders mental health counseling, his disrespect observance of petitioner's desire of sole contact be through her counsel, his obsessive use of postings which are troublesome and his affinity to firearms especially in a relationship as exemplified by the December 18, 2014 posting of " every missed bullet gives much more than conjecture for the court to base a five year extension of the protective order. Specifically the court finds these factors evidence a reasonable basis for the court to conclude that such conduct constitutes a credible present threat to the petitioner's safety and well being". The court has taken all of these considerations into determination that the protective order is to be extended for five years".

Review: Petitioner testified against her counsel in open court. I was denied access to evidence to defend myself, then the court noted "Due Process is Guaranteed". Unfounded fears and no direct credible, or imminent threat to Ms. May or T.C. If court orders are not intended to prohibit contact with my son, then why is there a detailed process through a supervised visitation center? If there were no prohibitions, I could have physical contact with my son at any time. A shared photo on social media of a tv sitcom that wasn't related or referred to Ms. May in any way is now considered " much more than conjecture to extend protective order for 5 years?"

11/8/15 DM 10 page 4 "Second, the transitional period including supervised visitation is designed to take place over a period of 4 years before Mr. Collier would have one weekend a month two overnights of parenting time unsupervised with T.C. and would not be able to have parenting time with T.C. in NH for almost 6 years. This is a lengthy period of time of significant constriction of the normal parenting relationship even for long distance relationships, begging the question whether risks warrant such an extension of time, particularly when, per the parties reports, the visits and calls have all gone well".

8/24/2017 See claim 9: Mr. Collier submitted a Comprehensive Psychiatric Evaluation with "no concerns from a psychiatric perspective, no recommended treatment"

2/28/2020, Mr. Collier was found in contempt of court for having his cousin send a package to Ms. May containing a gift which Mr. Collier had purchased for T.C., resulting in an extension of the Protective Order for (5) Five Years more;

2/28/2020, Mr. Collier had to pay \$2,808.13, for an arrest warrant issued by Belknap County, Family Court, 4th Circuit Court, N.H., due to not paying Court Ordered Lawyer fees, which is a violation of "Debtors Prisons" laws, which prohibit imprisonment for debt ('except in cases of fraud' in some Constitutions);

3/2/2022, This N.C. arrest warrant here was issued by Wake County, Family Court, N.C., due also to not paying legal fees, therefore "unconstitutional" just like the one on 2/28/2020 (above) in N.H.;

1/3/2023, New Hampshire House Bill 185, Introduced on January 3 2023, passed in House
1/3/2024: <https://legiscan.com/NH/bill/HB185/2023>

3/28/2023, Testimony at the State House (This is a public hearing so everyone can see). See, "Select Committee" Testimony and Justice (Mr) Michael Garner's speech, about "Rules of Evidence don't apply in Family or DV cases", due to lack of trial by jury (which is just another violation of Constitutional due process of law here), and that judges are the "gatekeeper for what they hope is reliable information", at the 44 minute mark here:

House Judiciary & Children and Family Law Joint Committee Meeting (03/28/23):
https://www.youtube.com/watch?v=vbFOdcRT_XA ;

After Michael Garner warned the Legislative body about altering their practice, they made a bill that requires rules of evidence in family court. See NH hb499, Rules of Evidence to apply in Family Cases (Will be voted on Jan.3):

<https://legiscan.com/NH/bill/HB499/2023> ;

House Special Committee on the Family Division of the Circuit Court (05/02/23):
https://www.youtube.com/watch?v=iVjJumYj6_w ;

House Special Committee on the Family Division of the Circuit Court (05/16/23):
<https://www.youtube.com/watch?v=TppRpmPCm7U> ;

12/19/2023, NH court said Hillary May must actually be present at the NH Family Court to enforce the Protective Order, in response to her recent motion to remotely attend the next hearing to enforce it.

ALSO NOTE THIS TIMELINE FOR "Judicial Complaints" (x3) mentioned herein:

08/29/2014, Filed Ethics Complaint, with State of NH Executive Branch, Ethics Committee;

08/30/2014, Complaint to NH Admin Judge Kelly, to investigate Laconia Family Court and their findings in reference to our hearings;

Filed with NHJCC:

06/05/2014, 1st complaint filed, jc-14-031-G;
08/11/2014, complaint jc-14-0313-G dismissed;
09/17/2014, reconsideration of dismissal filed;
11/17/2014, reconsideration denied;

09/16/2015, Filed Redress of Grievance;

11/03/2017, 2nd complaint filed, jc-17-057-G, acknowledge receipt of cover letter with supporting documents;
12/11/2017, Voted to dismiss complaint, jc-17-057-G;

06/15/2020, 3rd complaint filed, jc-20-031-G, acknowledgment of cover sheet and supporting documents;
07/13/2020, jc-20-031-G, alleged misconduct complaint Dismissed;

07/30/2020, "Judicial Conduct Complaint_July_30,2020_Re-JC-20-031-G", filed;
9/14/2020, reconsideration of jc-20-031-G denied;

11.28.2020, Letter to NH Supreme Court, regarding prev. Complaints_nhjcc2020, sent;
11/30/2020, filed motion for "Reconsideration" of 6/15/20 complaint, jc-20-031-G;
12/02/2020, acknowledge of receipt of second request for reconsideration;
01/11/2021, reconsideration of jc-20-031-G Denied;

01/25/2021, Formal Complaint to Admin Judge Keating, against Michael Garner of Laconia family Court, for "interject[ing] law into medicine", as stated in said complaint. This complaint includes hypothetical order(s) (without supporting evidence) / findings, as well contradicting medical records;

REQUESTED RELIEF:

WHEREFORE Plaintiff hereby requests the following relief:

The First Demand herein is for this United States District Court to declare how "the supreme Law" and "common law" should be applied to the instances cited herein, and to help negotiate a new equal "parenting plan", according to the actual best interests of the Child (T.C.) and actual evidence and "Law of the Land", instead of just opinions and hearsay and unconstitutional "colorable laws" as the Courts have done in this case up to this point;

The second demand herein is to grant in total the financial remedy due to the duration of 9 years of abuse by the court, and continued emotional damage to T.C. and Randall, due to incompetence of the Judge(s) and Court(s) to fulfill their duty (as outlined by "the supreme Law of the Land" cited herein);

Punitive damages: To be determined;

\$325/hr for every hour of time away from son (from date escorted out of home, 12/13/2012, until present, 01/10/2024, makes 11 years and 27 days, $365 \times 11 = 4015$ so 4030 days $\times 24 \text{hrs} \times \$325 = \$31,527,600.00$

$190 \times 52 \times 10 = \$90,000.00$ Child support illegally ordered (date of order);

\$10,000.00 in unlawful attorney/ Legal fees ordered (date of order);

Total financial compensation; \$31,534,000.00;

REFERENCES/"SOURCES OF AUTHORITY":
(SEE ATTACHED "SOURCES OF AUTHORITY")

For the actual quotes and links to sources and more go to the webpage in the link below.
For right now here are two pages online where these are being sorted out for this notice:
<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/>
<https://www.nrdl.org/sources/>

First a list of basic references useful in any Court case:

[1] The Purpose of Government, "the supreme Law of the Land" and "the common law":
<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-86>

[2] List of 'self-evident' basic Human Rights:
<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-89>

[3] "Probable cause":
<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-87>

[4] Three Elements to a Crime:
<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-88>

[5] "Essential elements of due process of law":
<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-93>

[6] "Deprivation of rights under color of law". "Colorable Law" (See USCs BELOW ALSO):
<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-91>

18 U.S. Code § 241 - Conspiracy against rights
<https://www.law.cornell.edu/uscode/text/18/241>

18 U.S. Code § 242 - Deprivation of rights under color of law
<https://www.law.cornell.edu/uscode/text/18/242>

18 U.S. Code Chapter 96 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
18 U.S. Code § 1962 - Prohibited activities
<https://www.law.cornell.edu/uscode/text/18/1962>
<https://www.justice.gov/archives/jm/criminal-resource-manual-109-rico-charges>

42 U.S. Code § 1981 - Equal rights under the law
<https://www.law.cornell.edu/uscode/text/42/1981>

42 U.S. Code § 1983 - Civil action for deprivation of rights

<https://www.law.cornell.edu/uscode/text/42/1983>

42 U.S. Code § 1985 - Conspiracy to interfere with civil rights

<https://www.law.cornell.edu/uscode/text/42/1985>

42 U.S. Code § 1986 - Action for neglect to prevent

<https://www.law.cornell.edu/uscode/text/42/1986>

42 U.S. Code § 1988 - Proceedings in vindication of civil rights

<https://www.law.cornell.edu/uscode/text/42/1988>

28 U.S. Code § 2513 - Unjust conviction and imprisonment

<https://www.law.cornell.edu/uscode/text/28/2513>

[7] Public Servants' Oath(s), and resulting lack of "Immunity":

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-92>

[8] We are 'sovereign', not 'subject' to Law/Statutes/Etc. without Consent or Injured Party:

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-104>

[9] Parental Rights:

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-115>

[10] Right to privacy:

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-97>

...DUPLICATE... Right to Privacy:

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-90>

[11] Right to Free Travel on Public Roads "In the conveyance of the day":

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-101>

[12] Right to own Land and other Property:

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-98>

[13] Right to any 'Common Practice':

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-99>

[14] Right to 'fair exchanges':

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-100>

...DUPLICATE... "Fair Exchanges" like compensation for labor, are a Natural Common Human right, and therefore not "lawful" to "license" or "tax" or "infringe" in any way:

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-116>

[15] Right "to solicit for donations for ones self" is a right of free speech:

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-102>

[16] An un rebutted affidavit stands as a fact in a court of law:

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-107>

[17] Motions are deemed filed when handed to the Officer:

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-105>

[18] Void for Vagueness Doctrine:

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-95>

[19] "Jurisdiction", requirements, limits:

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-94>

[20] 'Justice':

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-96>

[21] 'State':

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-103>

[22] "Lawful" "Money":

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-109>

[23] "Trespass...means...except...when premises are open to the public". [ARS 13-1501, 13-1502] (See also Numbers 2-6):

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-106>

[24] Names of all Govt. units and Humans must be "Proper Nouns" (only 1st Letters capitalized) by "Law":

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-108>

[25] All govt., cities, states, police, courts, etc., are 'corporations' registered on Dunn and Bradstreet (dnb.com):

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-110>

[26] Our Constitutional republic was lost in 1861, when the 1st State seceded:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-111>

[27] "private attorney general doctrine":

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-114>

[28] INFO ON PERFORMING WRITS OF MANDAMUS:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-57>

[29] INFO REGARDING HOW TO PERFORM COMMERCIAL LIENS:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-58>

[30] RIGHT TO RELEASE FROM JAIL PENDING CRIMINAL CONVICTION:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-138>

LEGAL DEFINITIONS OF WORDS:

[31] Define "Misprision" (as in "misprision of felony"):

"Criminal neglect of duty or wrongful execution of official duties.", noun, law.

<https://www.wordnik.com/words/misprision>

...

"a: neglect or wrong performance of official duty"

<https://www.merriam-webster.com/dictionary/misprision>

Also see: U.S. Code, Title 18, CRIMES AND CRIMINAL PROCEDURE, Part I. CRIMES, Chapter 1. GENERAL PROVISIONS, "18 U.S. Code § 4 - Misprision of felony",

<https://www.law.cornell.edu/uscode/text/18/4>

...

18 U.S. Code § 2382 - Misprision of treason

<https://www.law.cornell.edu/uscode/text/18/2382>

[32] Define "probable":

"likely to be true or likely to happen:"

<https://dictionary.cambridge.org/dictionary/english/probable>

<https://www.merriam-webster.com/dictionary/probable>

"2 having more evidence for than against, or evidence that inclines the mind to belief but leaves some room for doubt."

<https://www.dictionary.com/browse/probable>

[33] Define "reasonable":

"Just, rational, appropriate, ordinary, or usual in the circumstances. ... In the law of negligence, for example, the reasonable person standard is the standard of care that a reasonably prudent person would observe under a given set of circumstances. An individual who subscribes to such

standards can avoid liability for negligence."

<https://www.law.cornell.edu/wex/reasonable>

[34] "conjecture", which means btw to be clear:

"inference formed without proof or sufficient evidence"

<https://www.merriam-webster.com/dictionary/conjecture>

Those specific references for this case:

[101] See Order Finding Randall Collier for Harassment and Threatening dated 2.4.2013, by Judge James M. Carrol;

[102] See US Codes like USC 18-241 & 242 and 42-1983 & 1986 on "Deprivation of rights under color of law", "color of law abuse", etc.;

[103] For Wrongful Conviction/Prosecution, "Miscarriage of Justice", see 28 U.S. Code § 2513 - Unjust conviction and imprisonment - <https://www.law.cornell.edu/uscode/text/28/2513> ;

[104] Unconstitutional "Domestic Violence" "Protective Order" issued on 1.24.2013 by ;

[105] See N.H. State Law, especially 173B:1 'Definitions'[5] and "the supreme Law of the Land" (i.e. Amend.4,5,6,14, US.Supr.Ct. 'Precedents', etc.)[1] which requires "probable" evidence[3] of "abuse"[5] (which must be an actual "crime" according to these "fundamental principles"[133]) ; <https://law.justia.com/codes/new-hampshire/2014/title-xii/chapter-173-b/section-173-b-1/> ;

[106] See Hearing on emergency relief on 1/24/13, page 2,3,4;

[107] See Original Domestic Violence Petition (5 pages), 2012;

[108] See Police Report, Officer who escorted him out reported no weapons in the home;

[109] ...Removed, Not applicable;

[110] See 1.24.2013 Stalking Petition ; Court order dates 2.4.2013 ; Judges Findings did not match order.

[111] See: N.H. Law for "harassment": "644:4 Harassment. –

I. A person is guilty of a misdemeanor, and subject to prosecution in the jurisdiction where the communication originated or was received, if such person:

...

(f) With the purpose to annoy or alarm another, having been previously notified that the recipient does not desire further communication, communicates with such person, when the communication is not for a lawful purpose or constitutionally protected. " -

<http://www.gencourt.state.nh.us/rsa/html/LXII/644/644-4.htm> ;

Btw part of this at the end there was apparently 'repealed' in 2015-16 because its there in 2015 and not in 2016 or after...

<https://law.justia.com/codes/new-hampshire/2015/title-lxii/chapter-644/section-644-4/>

<https://law.justia.com/codes/new-hampshire/2016/title-lxii/chapter-644/section-644-4/>

...;

[112] See "Deprivations of equal rights to "due process of law"[5] by accepting the opinions and claims of the mother and her family as "evidence" without allowing the Father the ability to "Cross Examine" the "Witness(s)"..." , 7.30.2013 hearing;

[113] See "... "fundamental principles"[133] of "due process of law"[1,5] which require equal ability to "Cross Examine" Witnesses..." (US.Supr.Ct. Precedents);

[114] "...using Posts on Facebook as "evidence" to perpetuate this clearly unlawful "Protective Order"..."

[115] See N.H. Law for "Criminal Threatening", N.H. State Law 631:4 -

<http://www.gencourt.state.nh.us/rsa/html/LXII/631/631-4.htm> -

<https://law.justia.com/codes/new-hampshire/2020/title-lxii/title-631/section-631-4/> ;

- [116] "charging Mr. Collier for "Criminal Threatening" just for "staring" back (In return) at the opposing Parties Counsel in open court...", 2.4.2013 Hearing;
- [117] See "...judge denying access to video surveillance tapes from the court regarding the charge of "criminal threatening"...", 2.12.2014 & 7.22.2013 Court Orders;
- [118] See "...Videos which are likely deleted since shortly after the incident according to a court clerk...", 2013;
- [119] ...Removed, Not applicable;
- [120] ...Removed, Not applicable;
- [121] See "...judge intersecting law with medicine when the judge said details of the case wasn't discussed in the psychiatric eval thus its not valid for objective review for modification...", 8.24.2017 Hearing.; There was no prior court order requiring Defendant Randall Collier to discuss legal matter in said "Psychiatric Evaluation".;
- [122] See "...first eval found no issues..."
- [123] See "...judge still ordered supervised visits and counseling...";
- [124] See relevant sources of authority on: "...due process of law like probable cause..."[3][5];
- [125] See "...2nd eval found no issues either...";
- [126] ...Removed, Not applicable;
- [127] (Quoting US.Supr.Ct. Cohens v. Virginia[27]; See USC 2381)
...more sources which may be useful...
- [128] See Rule 5.2. Privacy Protection For Filings Made with the Court -
https://www.law.cornell.edu/rules/frcp/rule_5.2
- [129] See 28 U.S. Code § 1391 - Venue generally -
<https://www.law.cornell.edu/uscode/text/28/1391>
- [130] See 28 U.S. Code § 1331 - Federal question -
<https://www.law.cornell.edu/uscode/text/28/1331>
- [131] See 28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy; costs -
<https://www.law.cornell.edu/uscode/text/28/1332>
- [132] See 28 U.S. Code § 1441 - Removal of civil actions -
<https://www.law.cornell.edu/uscode/text/28/1441>
- [133] "The Arizona State Constitution", "1. Fundamental principles; recurrence to", "Section 1. A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government."
<https://www.azleg.gov/viewDocument/?docName=https://www.azleg.gov/const/2/1.htm> ;
- [134] The 1st Federal Lawsuit filed in this Case:
<https://www.courtlistener.com/docket/63299238/1/collier-v-carroll/>
-
-

Just saving text to use in lawsuit... summary of Hogan case from doc.167 I think... this can go in the section for facts already established... along with quotes from Behr and Exxon cases...AMAZING HOW CLOSE THE FIRST FEW PARAGRAPHS OF THAT BEHR v. CAMPBELL CASE ARE TO MY CASE HERE (just need to change a little so it fits your case!)

"...

From Casetext: Smarter Legal Research

Hogan v. Cherokee Cnty.

United States District Court, W.D. North Carolina, Asheville Division

Feb 23, 2022

CIVIL 1:18-cv-00096-MR-WCM

BRIAN HOGAN, both on his own behalf and as representative of all unnamed class members who are similarly situated; BRIAN HOGAN, as parent and next friend of H.H., both on her own behalf and as representative of all unnamed class members who are similarly situated, Plaintiffs, v. CHEROKEE COUNTY; CHEROKEE COUNTY DEPARTMENT OF SOCIAL SERVICES; SCOTT LINDSAY, both in his individual capacity and official capacity as attorney for Cherokee County Department of Social Services; CINDY PALMER, in both her individual capacity and her official capacity as Director of Cherokee County Department of Social Services; DSS SUPERVISOR DOE #1; and DSS SOCIAL WORKER DOE #1, Defendants.

MARTIN REIDINGER, CHIEF UNITED STATES DISTRICT JUDGE

ORDER

THIS MATTER is before the Court on the Defendants' Motion for New Trial Nisi Remittitur [Doc. 157].

I. BACKGROUND

This action arises out of the Defendants' use of an extra-judicial custody agreement that resulted in the wrongful removal of Plaintiff H.H. from the custody of her father, Plaintiff Brian Hogan. The Plaintiffs asserted claims pursuant to 42 U.S.C. § 1983 for the deprivation of their procedural and substantive due process rights, as well as various state law claims. Following a four-day trial, a jury determined that the Defendants Scott Lindsay and Cindy Palmer violated the Plaintiffs' substantive and procedural due process rights through the employment of an unlawful Custody and Visitation Agreement (CVA); that an official policy, practice, or custom of Cherokee County was the moving force behind these violations; and that Cherokee County failed to adequately train its employees, which resulted in the violation of the Plaintiffs' constitutional rights. [See Doc. 140]. The jury further found that Defendants Lindsay and Palmer acted in a grossly negligent manner, thereby causing the Plaintiffs' injury, and that Defendants Lindsay and Palmer both obstructed justice with respect to both Plaintiffs. [Id.]. The jury awarded Brian Hogan \$1.5 million and H.H. \$3.1 million in compensatory damages. [Id.]. Based on the jury's factual findings, the Court entered a Judgment in favor of the Plaintiffs on June 21, 2021. [Doc. 147].

..."

Case summary:

<https://casetext.com/case/hogan-v-cherokee-cnty-11>

Order on Motion for New Trial — Document #167:

<https://www.courtlistener.com/docket/6365748/167/hogan-v-cherokee-county/>

Docket:

<https://www.courtlistener.com/docket/6365748/hogan-v-chokeee-county/>

Initial complaint:

<https://www.courtlistener.com/docket/6365748/1/1/hogan-v-chokeee-county/>

...

So the summary of what main sections are needed in Civil Complaints like this one from Mr. Hogans Lawyers, are MAINLY THESE:

...

1) INTRODUCTION (basic case summary):

2) Parties and Jurisdiction (Plaintiffs, Defendants, Reasons for Jurisdiction in this Court, Over those Parties, for this Subject of Law, Under which Laws & Case Precedents, etc.);

3) Facts Relevant to this Case:

4) Claims, Legal Arguments for this Case:

5) Conclusion(s), demand(s) for remedy ('redress for grievances'. ALL of them!):

...

...then for basically all legal documents...

6) Signatures, Date signed and filed;

7) Proof of Service to Opposing Parties (If needed);

8) Notary Signature, Stamp, Date, etc.

FROM HERE:

https://www.facebook.com/groups/415083733546409/posts/900097895044988?comment_id=900556458332465

...

And here are links to the Behn and Exxon Cases explaining that "Rooker-Feldman Doctrine" and redefining its limits (From my FB post)... that 2021 case (Behr) Mentions...

"Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280 (2005)":

<https://supreme.justia.com/cases/federal/us/544/280/>

<https://en.wikipedia.org/wiki/Rooker%E2%80%93FeldmanDoctrine>

That^ case apparently redefined that "Rooker-Feldman Doctrine" and it's limits... ONLY prohibiting individual claims (not entire cases like ours) in federal court cases, which attempt to appeal State Court decisions (which only the supreme court may do)... NOT claims such as those for compensation of rights under federal laws during that State Court proceeding, like violations of due process like probable cause, and article 3 standing and corpus delicti Doctrine, trial by jury, proof beyond any reasonable doubt, etc..

And, That^ 2021 case is here:

Behr v. Campbell, et al, US Appeals Ct, 2021:

<https://cases.justia.com/federal/appellate-courts/ca11/18-12842/18-12842-2021-08-12.pdf?ts=1628785830>

<https://law.justia.com/cases/federal/appellate-courts/ca11/18-12842/18-12842-2021-08-12.html>

Behr v. Campbell, No. 18-12842 (11th Cir. 2021):

...

USCA11 Case: 18-12842 Date Filed: 08/12/2021 Page: 1 of 15

"IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 18-12842

D.C. Docket No. 9:18-cv-80221-RLR

...

Appeal from the United States District Court for the Southern District of Florida

...

Before WILSON, GRANT, and TJOFLAT, Circuit Judges.

GRANT, Circuit Judge:

Though one might not always know it from reading federal cases, Rooker-Feldman is a narrow jurisdictional doctrine. It simply establishes that a party who loses a case in state court cannot appeal that loss in a federal district court. This is a straightforward enough rule, and the Supreme Court has held the line without hesitation for nearly a century. But the story has been different in the lower courts—our application of Rooker-Feldman has been unrestrained to say the least, sometimes leading to dismissal of any claim that even touches on a previous state court action. Though the Supreme Court has stepped in to restore the doctrine to its original boundaries, courts have continued to apply Rooker-Feldman as a one-size-fits-all preclusion doctrine for a vast array of claims relating to state court litigation.

This case is a prime example. After a difficult series of child custody interventions and state proceedings, Louis Behr and two of his children filed a 30-count pro se complaint in federal district court asserting a wide variety of constitutional, statutory, and tort claims against 18 named defendants. The district court, seeing that the claims were related to the Behrs' earlier state court litigation, dismissed the entire complaint on Rooker-Feldman grounds.

That kind of sweeping dismissal is not at all unusual—but it is also at odds with the Supreme Court's clearly articulated description of Rooker-Feldman. Our own review of the complaint shows that several of the claims the Behrs raised do not fall within that doctrine's narrow bounds. The district court may ultimately have reason to dismiss them, but not on Rooker-Feldman grounds. That doctrine's era of expansion is over.

..."

<https://law.justia.com/cases/federal/appellate-courts/ca11/18-12842/18-12842-2021-08-12.html>

And here is a brief summary of the 2005 US Supreme Court case that 2021 US Appeals Case (Behr) referred to:

"Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280 (2005)":

"PRIMARY HOLDING

The scope of the Rooker-Feldman doctrine is limited to cases brought by parties that lose at the state court level before federal court proceedings have begun and that have been harmed by the judgments at that level, which they are seeking to reverse at the federal level."...

<https://supreme.justia.com/cases/federal/us/544/280/>

SUMMARY OF BEHR CASE SO FAR: I can use the 1st sentence and last paragraph to spell out, #1 the single purpose of Rooker doctrine, and #2 how the court should address ALL arguments raised (not dismiss for any one reason)...

I MIGHT ALSO ADD THIS PART (pg10of15):

" Rooker-Feldman, we emphasized, does not block claims that "require some reconsideration of a decision of a state court" if the plaintiff presents "some independent claim, albeit one that denies a legal conclusion that a state court has reached in a case to which he was a party." Id. (quoting Exxon Mobil, 544 U.S. at 293)."

(SO, that means we CAN challenge a State court decision in lower federal courts IF we raise a question not yet addressed by those lower court cases!)

...I might also use pg11 where it says a "claim by claim approach is the right one"... this part specifically says they should not have dismissed our case like they did:

...
"The question isn't whether the whole complaint seems to challenge a previous state court judgment, but whether resolution of each individual claim requires review and rejection of a state court judgment."

...and pg13 "binding precedent" (telling our future courts they are bound by THESE "precedents")...

...and pg14, the type of relief requested DOES matter (whether it can be dismissed under rooker)...

...
So the 1st and last sentences in this Behr Case point out what I need, from the US Appeals Court in 2021, citing the US Supreme Court back in 2005. So THOSE are the "Sources of Authority" I was looking for! So that Behr case cites the US.Supr.Ct. making these "citations", "the supreme Law of the Land" here! ("any Thing in the Constitution or Laws of any State to the Contrary notwithstanding!").

<https://www.archives.gov/founding-docs/constitution-transcript>

<https://usconstitution.net/const.html>

NEXT, to pick the BEST quotes from Behr here to put in the next US Complaint, and resume reformatting it more like the one from Hogan v. Cherokee county.

JUDGES RESPONSE TO MOTION FOR JUDICIAL NOTICE:

"Both parties and T.C. were residents of New Hampshire when these cases were brought. The Family Division of the Circuit Court has subject matter jurisdiction over both Domestic Violence Petitions and Parenting Petitions. Service was Achieved in both cases and Respondent appeared and participated in hearings on the Merits.

"Standing" relates to a party's right to bring a case or a claim: it is not related to the Court's authority to hear a case. Both parties have standing to address parenting issues for Trey."
Michael H. Garner, Circuit Court Judge, 12/10/2023.

[... Response to Jurisdiction motion (above), filed: 11/28 ... Response to Judicial notice (below), filed: 11/29 ...]

"Denied. The facts alleged in the Motion are disputed or are incorrect, and thus are not suitable for judicial notice." Michael H. Garner, Circuit Court Judge, 12/10/2023.

SIGNATURE. STATEMENT OF TRUTH. NOTARY SECTION:

I hereby declare under penalty of perjury the foregoing is true to the best of my knowledge,

 Randall S. Collier 1-10-24
[Signature, Printed Name of Claimant, Date Signed]

NOTARY STAMP & SIGNATURE. ACKNOWLEDGMENT:

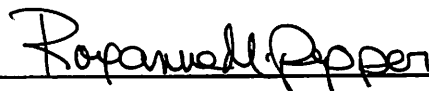
Subscribed and affirmed to before me,

Roxanne M. Pepper, a

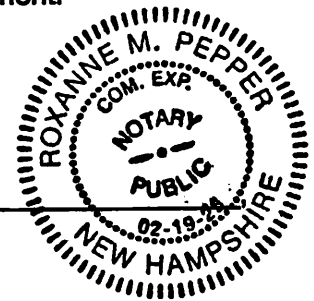
Notary Public, this 10th day of January, 2024, that the
above-named man/woman

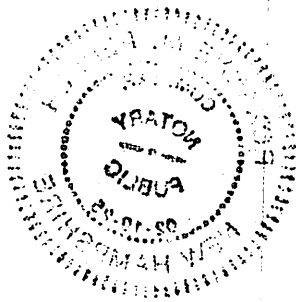
did appear before me, and proved to be the man/woman executing this document.

Notary Public Signature, Printed Name, and Stamp:

 Roxanne M. Pepper

My commission expires: 2/19/25.





TO: [illegible] FROM: [illegible]